

Clarifying the Intent of ISO 14001

by Susan L.K. Briggs

Are you in the process of upgrading your organization's environmental management system (EMS) to the revised ISO 14001 standard and stumped on the meaning of the new language or a new requirement in the standard? Do you disagree with your registrar's interpretation of a requirement?

Do you think your only avenue to reconcile these issues is a pricey consultant? Think again. The U.S. technical advisory group (U.S. TAG) to technical committee (TC) 207 has a process called "clarification of intent" to help you.

ISO 14001—*Environmental Management Systems—Specification With Guidance for Use*¹ was developed by a worldwide group of experts within ISO TC 207, subcommittee (SC) 1. This standard has been carefully negotiated over a period of years, with language skillfully chosen to reflect delicate compromise and enable flexibility in its use and application.

Recognizing questions of intent may arise, the U.S. TAG established a drafting group and formal process to respond. The drafting group is comprised of U.S. experts who participated in SC 1 work on the negotiation of the current version of ISO 14001 at the international level. The responses reflect the consensus interpretation, based on the group's understanding of the intent of the SC 1 experts who drafted the standard.

The questions received since the revised standard was issued in November 2004 cover a wide array of topics. They include questions on policy, scope of the EMS, control vs. influence, legal requirements, document control, calibration records, evaluation of compliance and auditor competence.

Q and A Examples

Some examples of questions and their responses follow.

Q: Is there an expectation in ISO 14001:2004 that compliance with all applicable legal and other requirements will be assessed for all environmental media over some timeframe (for example, every three to five years), or are

periodic compliance assessments on a sampling basis (selected based on the environmental importance of activities, history of noncompliance and other factors) considered adequate?

A: ISO 14001 requires the organization to periodically evaluate compliance with all applicable legal

Pricey consultants aren't necessary if you need help.

requirements (clause 4.5.2.1) and other requirements to which an organization subscribes (clause 4.5.2.2) related to its environmental aspects. It does not specify a particular methodology or frequency for doing so. Periodic compliance assessments performed on a sampling basis may satisfy this requirement if, taken together, they cover all applicable legal and other requirements over a timeframe defined by the organization.

Q: What is the meaning of the new phrase "persons working for or on behalf of"?

A: The phrase "working for or on behalf of" is not defined in ISO 14001:2004. The organization implementing the EMS determines who those persons are based on the activities, products and services within the scope of the EMS it established.

The overall intent of the phrase is to ensure the organization looks beyond its direct employees and considers other persons performing tasks within that scope when addressing policy, competence and awareness requirements. The phrase "working ... on behalf of" an organization is not intended to change any legal relationship between the organization and any individual.

The phrase clearly covers an organization's own employees, including contract and temporary ones. It also could apply to individual contractors or individuals employed by contractors working for the organization or

other suppliers of goods or services if those individuals are engaged in tasks within the scope of the organization's EMS. Persons covered by this phrase will be determined by the organization on a case by case basis.

The drafting group's complete response, which provides additional information on the meaning of this phrase as it relates to requirements for communicating the environmental policy and satisfying training and competency requirements in a subcontractor scenario, can be found on the website of ASQ's Standards Group.²

Q: Must a regulated environmental aspect automatically be considered a significant environmental aspect?

A: No. ISO 14001 does not establish the criteria for determining significance.

Complex Questions

More frequently the issues raised by the question are complex. Oftentimes they seek answers on how to comply with specific requirements.

By design the standard avoids prescriptive requirements to retain its flexibility and enable various types of organizations to implement the requirements in a manner that best suits each.

Moreover, the drafting group is not authorized to provide how-to responses. Instead, it focuses on explaining the intent of the requirement and identifying any interdependencies with other requirements found in the standard. As a result, many responses are correctly characterized as "it depends."

One issue that illustrates this point is the requirement that an organization determine the environmental aspects of its activities, products and services "that it can control and those that it can influence." This differs from the 1996 standard, which used the phrase "that it can control and over which it can be expected to have an influence."

The drafting group clarifies as follows: "The revised language removes one ambiguity in the 1996 version. Some users incorrectly interpreted this phrase to imply views of someone outside the organization must be con-

sidered when determining the environmental aspects the organization might influence.

"The intent of the new phrase is to make it clear the organization makes that determination. Furthermore, as in the 1996 standard, the organization is obligated to identify environmental aspects only for those activities, products and services that are within its EMS scope, which again is decided by the organization.

"Of these environmental aspects, the organization must decide which it can control and which are not within its control. For those of its environmental aspects that it cannot control, the organization must decide if it can exercise influence over them."

The drafting group response continues, "The standard does not define criteria that an organization must use to determine its control of or influence over environmental aspects. It is up to the organization to make that determination on a case by case basis, considering its own unique factors, such as its governance structure, legal or contractual authority, its policies, local or regional issues, its obligations and responsibilities to interested parties, technological issues and implications on its own environmental performance.

"What might be appropriate for one organization might not be appropriate for others. It is important to note that it is possible for two different organizations or two different organizational units to control or influence the same environmental aspect."

Unanswerable Questions

In some cases, a question cannot be answered by the drafting group. One such question asks whether health and safety nonconformities can be raised during an ISO 14001 certification audit of an organization that chooses to include health and safety requirements in an EMS.

The drafting group deferred the question to the certification or accreditation body because neither ISO TC 207 nor the U.S. TAG define requirements for the certification process.

Ensuring Continuity

To ensure continuity between the original clarifications and the ones issued on the new standard, the drafting group re-evaluated all clarifications issued on the previous 1996 standard to determine those that remain valid on the new version.

Those no longer valid were deleted. Those that remain valid and carry over to the 2004 version of the standard were compiled with the questions and responses received on the new standard. The full text can be found in "Approved Clarifications of Intent of ISO 14001:2004" on the Web.³

International Process

Each country within SC 1/TC 207 is responsible for developing an interpretation process at the national level and submitting its interpretations to SC 1. These interpretations are compiled and reviewed by SC 1 and will be considered during the standard's next revision cycle.

Although rare, there may be cases when a national body chooses not to answer a question and instead seeks a position from SC 1. This process differs from the TC 176 process for issuing interpretations of ISO 9001, the quality management standard.

TC 176 has a central interpretation system administered by an international working group. It requires all questions be posed in a format that can be responded to with either a yes or no. The official published list of ISO 9001 interpretations can also be found on the Web.⁴

How To Get Answers

The goal of the 2004 revision of ISO 14001 was to clarify text to ease implementation and improve compatibility with ISO 9001. Organizations that have certified systems are required to transition to the new standard by this May.

If your organization has a question related to the meaning of a new phrase or requirement, mail the question to ASQ, Attention: Administrator, U.S. ISO 14000 SubTAG 1, 600 N. Plankinton Ave., Milwaukee, WI 53203; e-mail

standards@asq.org; or fax 414-272-1734.

Questions must include the submitter's name, affiliation, address and phone or fax number. Submissions should be posed in a question format, be as specific as possible and preferably in a style to facilitate a concise answer. Questions that are not clear will be returned to the submitter.

Draft responses will be submitted to the U.S. SubTAG 1 for confirmation or, if necessary, modification, either at regularly scheduled meetings or by special ballot. Final responses will be presented at U.S. TAG meetings, provided to the party that submitted the question and disseminated through the media and other publication channels, including submission to the U.S. national accreditation body (ANAB) and SC 1.

References

1. International Organization for Standardization, *ANSI/ISO/ASQ E14001-2004 Environmental Management Systems—Specifications With Guidance for Use*, ASQ Quality Press, 2004.
2. "Approved Clarifications of Intent of ISO 14001:2004," <http://standardsgroup.asq.org/environmental-management/index.html>.
3. Ibid.
4. ISO TC 176 Interpretation, www.tcl176.org/interpre.asp.

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